

Comprehensive Smokefree Places Ordinance Checklist

Your community has a range of policy choices to consider when designing a local ordinance regulating smoking and tobacco use in indoor and outdoor areas. The options below are based on ChangeLab Solutions' *Comprehensive Smokefree [and Tobacco Free] Places Ordinance*. Policy provisions that ChangeLab Solutions considers essential already include a check mark. [Contact us](#) for help drafting an ordinance based on your community's choices.

POLICY OPTIONS

What is Regulated

- Smoking (including the use of tobacco products that produce smoke and the use of electronic smoking devices)
- Cannabis, medicinal and/or adult-use
- Use of other tobacco products that do not produce smoke or vapor (eg, chewing tobacco, snus)

Where Smoking or Tobacco Use Is Prohibited

Indoor:

- Places of Employment
 - Except in up to 10% of hotel/motel guest rooms
 - Except in retail tobacco shops that meet certain criteria
 - Except in theatrical productions
- Multi-Unit Residence Common Areas
- Public Places

Outdoor:

- Recreational Areas
- Service Areas
- Dining Areas
- Places of Employment
- Multiunit Residence Common Areas
 - Except for designated "smoking area" that meets certain criteria
- Other Public Places
 - Only Public Places when being used for a public event
 - Excluding streets and sidewalks being used in their traditional capacity
- Within a Reasonable Distance of [eg, 25 feet] from any vent into an Enclosed Area where smoking is prohibited
- Within a Reasonable Distance of [eg, 25 feet] from any Unenclosed Area where smoking is prohibited

Additional Provisions

- Require that No Smoking signs be posted
- Prohibit ash cans and ashtrays from being placed within an area where smoking is not permitted
- Require property owners and managers to prevent patrons and guests from illegally using tobacco

Enforcement Provisions

- Designate that the ordinance will be enforced by _____ but also enforceable by peace officer or code enforcement officer
- Declare violations based on *illegal smoking [or tobacco use]* to be infractions with a fixed fine amount of \$_____ (cannot be more than \$100 for a first violation)
- Allow the city or county to file a civil action for any violation:
 - Seeking monetary fine (civil fine can be up to \$1,000)
 - Seeking injunctive relief or nuisance abatement
- Declare that violation of the ordinance constitutes a nuisance
- Allow private citizens to get an injunction against individuals or businesses for repeat violations of the ordinance